

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 179 OF 2006

PETITIONER

Pradeep Gupta
Aged 45 yrs.
S/o Shri Chaturi Sao
R/o Gram : Bhavarmal
Tah: Pal
Distt: Surguja CG

Versus

RESPONDENTS

1. Shri Jhari Singh
S/o Shri Halkhan Khairwar
2. Shri Samiran
S/o Shri Govind Khairwar
Both : r/o Gram : Chandanpur
Tah. Pal, Distt. Surguja C.G.
3. State of Chhattisgarh
Through : The Collector
Distt. Surguja CG
4. Hon'ble Board of Revenue
Through : The Secretary
To the Board of Revenue,
Near Swimming Pool,
Bilaspur CG

Present : Mr. Anurag Dayal Shrivastava, learned counsel for
the petitioner.
Mr. Yashwant Singh, learned Govt. Adv., for the State
of Chhattisgarh.

ORAL ORDER
(Passed on 17th January, 2006)

The revision filed by the petitioner herein to the Board of Revenue, the fourth respondent herein, against the order of the Collector, Surguja, the third respondent herein, is pending. The fourth respondent had initially granted interim order staying operation of the order of the District Collector, Surguja. However, on appearance of respondents 1 and

2 and they making an application for vacating stay, the fourth respondent, by the order impugned in this writ petition, has vacated interim order.

(2) The only thing to be seen is whether the fourth respondent, Board of Revenue, has exercised the discretion vested in it judiciously and fairly. What weighed with the fourth respondent in vacating the interim order is the finding recorded by the District Collector that the subject land was purchased by the petitioner in violation of the mandatory provisions of Section 173-B of the Chhattisgarh Land Revenue Code, 1959. Therefore, it cannot be said that the fourth respondent acted arbitrarily in vacating the interim order. Be that as it may, the High Court would not be justified under Articles 226 and 227 of the Constitution to lightly interfere with the discretion order made by the statutory authority in exercise of the discretion vested in it. The writ petition is, therefore, dismissed. However, the fourth respondent is directed to dispose of the revision filed by the petitioner expeditiously at any rate within a period of three months from the date of receipt of a copy of this order.

Sd/-
Chief Justice

Brajesh